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CITY AND COUNTY OF SAN FRANCISCO  
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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 ROBERT CRUZ and DARWIN DIAS,

14 Plaintiffs,

15 vs.

16 CITY AND COUNTY OF SAN  
FRANCISCO, DOES 1-10, Inclusive,

17 Defendants.  
18

Case No. C08-00244 MEJ (BZ)

ADMINISTRATIVE MOTION TO  
POSTPONE SETTLEMENT CONFERENCE  
DATE BY TWO WEEKS

Hearing Date: July 22, 2008  
Hearing Judge: Hon. Bernard Zimmerman  
Time: 9:00 a.m.  
Place: Crtrm. G, 15th Fl

Date Action Filed: January 14, 2008  
Trial Date: May 18, 2008

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22 DEFENDANT City and County of San Francisco hereby requests that the Honorable  
23 Magistrate Bernard Zimmerman postpone the date of the settlement conference in this matter by two  
24 weeks, from July 22, 2008 to August 5, 2008, or as soon thereafter as a conference can be scheduled.

25 This matter is set for a settlement conference on July 22, 2008 at 9:00 a.m. The City and  
26 County of San Francisco (City) and Plaintiffs have been engaging in ongoing communications in  
27 furtherance of settlement, and have been exchanging informal discovery.  
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On July 10, 2008, Erin Bernstein, lead trial counsel for the City communicated to counsel for Plaintiffs that she will be acting as lead counsel in a jury trial in San Francisco Superior Court beginning on July 21, 2008, and notified Plaintiffs' counsel that the City planned to seek a short extension of the settlement conference date. Plaintiffs' counsel has not responded to the City's communication.

In hopes of holding the settlement conference at the earliest possible date, the City did not earlier request that this Court vacate the July 22, 2008 settlement conference, as Ms. Bernstein had anticipated that the conflicting state court case would settle before trial. The jury trial is expected to last for between one and two weeks. It now appears that the case will be proceeding to a full jury trial. The City therefore requests that the settlement conference be postponed for a short period of time, because Ms. Bernstein will be unable to attend the June 22, 2008 settlement conference. The City will, of course, continue to communicate with Plaintiffs in anticipation of a productive settlement conference.

As Ms. Bernstein has been the lead—and sole—counsel handling this matter, the City believes that Ms. Bernstein's presence at the settlement conference will allow for the best chance for the settlement of this matter. The City requests that the settlement conference be postponed by two weeks—e.g., from July 22, 2008 to August 5, 2008—or to a date as soon thereafter that the Court can accommodate a conference.

Dated: July 11, 2008

DENNIS J. HERRERA  
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By:           //s//            
ERIN BERNSTEIN

Deputy City Attorney  
Attorneys for Defendant  
CITY AND COUNTY OF SAN FRANCISCO

~~[PROPOSED]~~ ORDER

Good Cause Appearing,

The Court hereby vacates the Settlement Conference set for July 22, 2008 in this matter and sets it for \_\_\_\_\_ at \_\_\_\_\_. Settlement conference statements are due August 15, 2008. The court's previous Order otherwise remains in full force and effect.

Dated: July 15, 2008

By: Bernard Zimmerman  
Magistrate Judge Bernard Zimmerman

